

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ZACHARY FLOWERS,

Plaintiff,

v.

RAYMOND CLARY, *et al.*,

Defendants.

Case No. 3:24-cv-00285-MMD-CLB

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Carla L. Baldwin (ECF No. 3) recommending the Court grant Plaintiff Zachary Flowers' application to proceed *in forma pauperis* ("IFP application") (ECF No. 1) and dismiss the complaint (ECF No. 1-1). Plaintiff filed an objection. (ECF No. 4 ("Objection").)

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the Court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." *Id.* The Court's review is thus de novo because Plaintiff filed his Objection. (ECF No. 4.)

The Court agrees with Judge Baldwin that the IFP application shows Plaintiff is unable to pay the filing fee. The Court adopts the recommendation to grant the IFP application.

The Court also agrees with Judge Baldwin that the Complaint fails to state a claim. Plaintiff names Defendants M&T Bank, Social Security Office, and Raymond Clary. (ECF Nos. 1, 1-1, 1-3.) Plaintiff makes conclusory allegations about Raymond Clary's alleged stalking of Plaintiff and Plaintiff's family. (ECF No. 1-3.) As Judge Baldwin correctly found,

1 even construing Plaintiff's allegations liberally and in his favor, the Court cannot find that  
2 Plaintiff's allegations support any legally viable claim against Defendants. Plaintiff's  
3 Objection does not address the deficiencies of his complaint. (ECF No. 4.) Instead,  
4 Plaintiff makes general allegations about "the social security office" tampering with his  
5 benefits, causing him to wait for months for his checks when he has been homeless for  
6 the last six years. (*Id.*) Even considering these additional allegations, the Court finds that  
7 Plaintiff's conclusory allegations fail to state claim against any of the three named  
8 Defendants. The Court will accordingly adopt Judge Baldwin's recommendation to  
9 dismiss the complaint, but dismissal will be without prejudice.

10 It is therefore ordered that Plaintiff's objection (ECF No. 4) to the Report and  
11 Recommendation of U.S. Magistrate Judge Carla L. Baldwin is overruled. The Court  
12 adopts Judge Baldwin's Report and Recommendation (ECF No. 3).


13 It is further ordered that Plaintiff's IFP application (ECF No. 1) is granted.

14 It is further ordered that the Clerk of Court file the Complaint (ECF No. 1-1).

15 It is further ordered that the Complaint (ECF No. 1-1) is dismissed without  
16 prejudice.

17 The Clerk of Court is directed to enter judgment in accordance with this order and  
18 close this case.

19 DATED THIS 27<sup>th</sup> Day of August 2024.

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23 MIRANDA M. DU  
24 CHIEF UNITED STATES DISTRICT JUDGE  
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